

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

NANOCO TECHNOLOGIES LTD.,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD., AND
SAMSUNG ELECTRONICS AMERICA,
INC.,

Defendants.

C.A. NO. 2:20-cv-00038-JRG

PLAINTIFF’S UNOPPOSED MOTION TO DISMISS UNDER RULE 41 AND RULE 12

In an effort to narrow its case and streamline and focus the issues for trial, Plaintiff Nanoco Technologies Ltd. (“Nanoco”) voluntarily withdrew its assertion of all previously asserted claims of U.S. Patent No. 8,524,365 (“the ’365 patent”). Additionally, as part of its case narrowing to streamline trial, Nanoco voluntarily withdrew its assertion of previously asserted claims 1-13 of U.S. Patent No. 7,588,828 (“the ’828 patent”) and previously asserted claims 7, 8, 12, 14, 15, 16, 18, 19, 20, 21, 22, 24, and 25 of U.S. Patent No. 7,803,423 (“the ’423 patent”).

Accordingly, Nanoco moves under Rule 41(a)(2) to dismiss without prejudice the Complaint’s Count I (Infringement of the ’828 Patent) as to claims 1-13, Count II (Infringement of the ’423 Patent) as to claims 7, 8, 12, 14, 15, 16, 18, 19, 20, 21, 22, 24, and 25, and Count IV (Infringement of the ’365 Patent). *See* Dkt. 1 at 9-12, 14-15. Nanoco also moves under Rule 12(b)(1) to dismiss Samsung’s associated counterclaims: First Counterclaim (Non-infringement of the ’828 Patent) and Second Counterclaim (Invalidity of the ’828 Patent) as to claims 1-13; Third Counterclaim (Non-infringement of the ’423 Patent) and Fourth Counterclaim (Invalidity of

the '423 Patent) as to claims 7, 8, 12, 14, 15, 16, 18, 19, 20, 21, 22, 24, and 25; and Seventh Counterclaim (Non-infringement of the '365 Patent) and Eighth Counterclaim (Invalidity of the '365 Patent). *See* Dkt. 21 at 16-18, 20-21.

Samsung does not oppose the motion.

DATED: September 7, 2022

Respectfully submitted,

/s/ Bradley W. Caldwell

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who have consented to electronic service on this September 7, 2022. Local Rule CV-5(a)(3)(A).

/s/ Bradley W. Caldwell
Bradley W. Caldwell

CERTIFICATE OF CONFERENCE

The undersigned certifies that the parties have complied with Local Rule CV-7(h)'s meet and confer requirement and that Samsung does not oppose the relief requested herein.

/s/ Bradley W. Caldwell
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